



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/771,547

02/05/2004

Pablo Ameigeiras

60279.00079

2804

32294 7590 05/17/2007  
SQUIRE, SANDERS & DEMPSEY L.L.P.  
14TH FLOOR  
8000 TOWERS CRESCENT  
TYSONS CORNER, VA 22182

EXAMINER

YUN, EUGENE

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

05/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/771,547

Applicant(s)

AMEIGEIRAS ET AL.

Examiner

Eugene Yun

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bautz (EP 0891114).

Referring to Claim 1, Bautz teaches a method of sending packet data units for unacknowledged mode services in a handover between base stations in a mobile communications network, wherein the network comprises a network node connected to at least a first base station and a second base station (see MT and SW in fig. 1), and user equipment connected to at least one of said first and second base stations (see col. 3, lines 29-38), the method comprising:

transmitting packet data units in an acknowledged mode radio link control entity between a transmitting side and a receiving side (see col. 1, lines 1-11);

setting a retransmission parameter so that the packet data units are not retransmitted to said first base station when receiving status reports for sent packet data units from said receiving side (see col. 2, lines 9-24);

buffering transmitted packet data units in a retransmission buffer (see col. 4, lines 6-18);

receiving status reports for the sent packet data units from said receiving side  
(see col. 4, lines 25-32);

purging the packet data units from said retransmission buffer based on said  
received status reports (see col. 5, line 56 to col. 6, line 8);

scheduling remaining packet data units in said retransmission buffer for  
transmission to said second base station, and transmitting said scheduled remaining  
packet data units to said second base station (see col. 6, lines 9-15).

Referring to Claim 5, Bautz teaches a system of sending packet data units for  
unacknowledged mode services in a handover between base stations in a mobile  
communications network, the system comprising:

a network node connected to at least a first base station and a second base  
station (see MT and SW in fig. 1);

user equipment connected to at least one of said first and second base stations  
(see col. 3, lines 29-38);

a transmitter configured to transmit packet data units in an acknowledged mode  
radio link control entity between a transmitting side and a receiving side (see col. 1,  
lines 1-11);

a retransmission buffer for buffering transmitted packet data units (see col. 4,  
lines 6-18);

setting means for setting a retransmission parameter so that the packet data  
units are not retransmitted to said first base station when receiving status reports for  
sent packet data units from said receiving side (see col. 2, lines 9-24);

Art Unit: 2618

a receiver configured to receive the status reports for the sent packet data units from said receiving side (see col. 4, lines 25-32);

a management unit configured to purge the packet data units from said retransmission buffer based on said received status reports (see col. 5, line 56 to col. 6, line 8); and to schedule remaining packet data units in said retransmission buffer for transmission to said second base station,

wherein said transmitter is configured to transmit said scheduled remaining packet data units to said second base station (see col. 6, lines 9-15).

Referring to Claim 9, Bautz teaches an acknowledged mode transmitting side protocol entity for sending packet data units for unacknowledged mode services in a handover between base stations in a mobile communications network (see ABSTRACT and fig. 1), the system comprising:

a transmitter configured to transmit packet data units in an acknowledged mode radio link control entity between a transmitting side and a receiving side (see col. 1, lines 1-11);

a retransmission buffer for buffering transmitted packet data units (see col. 4, lines 6-18);

setting means for setting a retransmission parameter so that the packet data units are not retransmitted to said first base station when receiving status reports for sent packet data units from said receiving side (see col. 2, lines 9-24);

a receiver configured to receive the status reports for the sent packet data units from said receiving side (see col. 4, lines 25-32);

Art Unit: 2618

a management unit configured to purge the packet data units from said retransmission buffer based on said received status reports (see col. 5, line 56 to col. 6, line 8); and to schedule remaining packet data units in said retransmission buffer for transmission to said second base station,

wherein said transmitter is configured to transmit said scheduled remaining packet data units to said second base station (see col. 6, lines 9-15).

Referring to Claim 13, Bautz teaches a system for sending packet data units for unacknowledged mode services in a handover between base stations in a mobile communications network, wherein the network comprises a network node connected to at least a first base station and a second base station (see MT and SW in fig. 1), and user equipment connected to at least one of said first and second base stations (see col. 3, lines 29-38); the system comprising:

Transmitting means for transmitting packet data units in an acknowledged mode radio link control entity between a transmitting side and a receiving side (see col. 1, lines 1-11);

setting means for setting a retransmission parameter so that the packet data units are not retransmitted to said first base station when receiving status reports for sent packet data units from said receiving side (see col. 2, lines 9-24);

buffering means for buffering transmitted packet data units in a retransmission buffer (see col. 4, lines 6-18);

receiving means for receiving the status reports for the sent packet data units from said receiving side (see col. 4, lines 25-32);

Art Unit: 2618

purging means for purging the packet data units from said retransmission buffer based on said received status reports (see col. 5, line 56 to col. 6, line 8);

scheduling means for scheduling remaining packet data units in said retransmission buffer for transmission to said second base station,

transmitting means for transmitting said scheduled remaining packet data units to said second base station (see col. 6, lines 9-15).

Referring to Claims 2, 6, and 10, Bautz also teaches purging the packet data units that have been either negatively or positively acknowledged by said user terminal from said retransmission buffer (see col. 5, line 56 to col. 6, line 8).

Referring to Claims 3, 7, and 11, Bautz also teaches setting a retransmission parameter that comprises a MaxDAT with an appropriate value (see col. 4, lines 19-32).

Referring to Claims 4, 8, and 12, Bautz also teaches transmitting the packet data in said mobile communication network, which is a high speed downlink packet access network (see col. 1, lines 1-11).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone

Art Unit: 2618

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Eugene Yun  
Examiner  
Art Unit 2618

EY

  
MATTHEW ANDERSON  
SUPERVISORY PATENT EXAMINER